

**To: House Appropriations**

**From: House Judiciary Committee**

**Date: 3/1/23**

**Re: Comments and Recommendations to House Appropriations to go with the chart**

Thank you for giving us the chance to weigh in on the budget. Our Committee based our recommendations using the following lens:

Would the funding request result in?

- Providing more Access to Justice?
  - Backlog
  - Geographic Equity
- Providing Alternatives to:
  - Charging
  - Incarcerating
  - Charging Fines/Fees
  - Creating a criminal record
- Does it Address Public Safety?
- Does it Expand Evidence Based Programs and Outcomes?
- Does it help to create more efficient and effective processes?

Additionally,

- Is the Need and Analysis Compelling?
- What documentation or rationale was provided or shared to back up request?
- What will happen if this funding isn't received?
- Who will be helped/better off because of this funding?

**1. Funding Requests We Reviewed:**

We divided these requests into two categories: “Personnel” and “Everything else”

**A. Requests for Personnel:**

• **Judiciary:**

- a. One (or possibly two) New Judge Positions

(currently 36 positions are budgeted)

This new position would be for the West Region – primarily Bennington and Rutland Counties.

- b. One law clerk position – (currently 16 law clerks). **Total COST: \$344,136**

• **High Priority- access to justice**

- 11 new court positions:

- c. 7 Judicial Assistants, for a total cost of \$504,00

- ✓ 1 financial analyst, for a cost of \$77,000

- ✓ 1 language access specialist a for a cost of \$77,000, and

- ✓ 2 Resource Center Access Specialists, for a cost of \$154,000

**TOTAL COST: \$812,000**

- **high priority – Access to Justice. Constitutional Rights to a speedy trial.  
Separate department**

TOTAL JUDICIAL ADDITIONAL PERSONNEL ASK (Assuming 1 judge):      \$1,156,136\*

\*If 2 judges, add another \$344,136 for total of    \$1,500.272

**State Attorneys:**

a. **14 New Deputy Attorneys**

While access to Justice MAY justify adding SOME of the 14 attorney positions. We have not seen the data or analysis to justify adding these positions.

b. **14 new Support Staff**

While access to Justice MAY justify adding SOME of the 14 attorney positions. We have not seen the data or analysis to justify adding these positions.

c. **14 new Victim Advocates**

✓ **There still needs to be a policy discussion by appropriate policy committees to determine if the Victim Advocate positions should be supervised and structured as was changed in last year's appropriations language without any policy committee input or discussion.**

✓ There is no analysis that we have seen to justify if 14 VA positions are needed at this time, especially when other VA advocate positions, such as the State Police Victim Advocate Coordinator position need funding to keep that position intact.

- **We cannot give the items in the State Attorneys Budget a priority due to the lack of information.**

**Public Defenders**

a. Central Office Administrative Services Coordinator \$84,769

b. Bennington Juvenile Attorney \$119,675

- **High Priority access to Justice and Constitutional right to representation.**

**Crime Victim Services:**

Only position they are requesting is not even for their budget or operations.

They are Requesting funding for the State Police Victim Advocate Coordinator State Employee. This position has been VOCA funded, but these funds are dwindling. Commissioner Morrison had already put in her budget.

**Would go in the DEPT of Public Safety Budget, not crime victim services. Cost \$137,000**

**High Priority to fund this position to continue this access to victim services for Vermonters.**

**Helps victims prior to any charges filed- goes on all state police calls related to homicides or serious bodily injuries.**

## Human Rights Commission-

See below. This has been an important priority for our committee. This was in last year's committee letter to House Approps. This request has been denied for many years and is critical!

### Human Rights Commission Request for an Additional Attorney

We are concerned that the Human Rights Commission needs to turn away cases due to lack of legal staff, and strongly support the request made for them to hire an FTE Litigator. This issue is an access to Justice issue that we strongly advocate be funded.

**High Priority- Access to Justice**

## Racial Disparity Statistics Division

We were the committee that worked on H.546 last year that created the division, and we believe it is critical that the Division be properly funded. We understand that these 3 positions don't seem to be in this year's budget.

### H.546 – Racial Disparity Statistics Division – Office of Racial Equity

See below, we want to Call attention to what we put in our memo last year: After receiving the concerning report from CSG on Racial Disparities in our Criminal Justice System, our committee strongly recommends the funding that would go with implementing H. 546 to help us get the data and information that we need to make changes in the unacceptable biases we are seeing throughout Vermont's criminal justice system. H.546 passed our committee on an 11-0 vote.

**High Priority- Access to Justice. We must make sure this funding is continued this year. This is clearly an important access to justice issue; we continue to prioritize.**

## Not in our Budget, but we support the request from Human Services Committee:

- VT Legal AID
  - a. \$500,000 to maintain current legal staff.
  - b. \$800,000 to add additional staff for additional demand-

Foreclosure and Consumer Debt Defense: \$450,000 to address next wave.

1. **\$360,000 Increase intake and core program capacity for 3 FTE.** Need to address 100% increase in requests for assistance. More complex calls require 200% more time.
2. Intake attorneys provide more advice and consultation, inadequate funds for staff adequate to meet demand at a higher level of service.
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## Non-Personnel Funding Request

### Judiciary

- covered the pay act annualization adjustments, but
  - ✓ Is short \$73, 124 for the FY 24 benefits increased costs.
  - ✓ Did not include the reinstatement of the FY base budget cut which is \$500,000 short. Would be good to have more history on this.
  - ✓ Did not include SARF increase – short \$4021.
- **Increased the cost of Fee for Space Cost to the Judiciary by \$557,084 despite no increasing the footprint or square footage the Judiciary has.**
- **We ask the Appropriations Committee to look at the allocation Judiciary received. Did all Fee for Space costs go up this much? Why did Judiciary's?**
- Increased cost of Sheriffs
  - Governors recommend has \$400,000 for hourly rate increase to \$47.40.
  - Sherriff's are asking for \$51 an hour. Which would require \$698,503 of new funding.

**Sherriff's currently get \$45/hour.**

**We ask the Appropriations Committee to investigate this issue.**

**The requested sheriff's rate and this issue seem bigger than House Judiciary or the Judiciary Budget.**

**What committee is looking at what the rate should be?**

**High Priority for the Courts to have security.**

**THIS Seems very expensive. Directive in budget to bid or work out other options?**

- **Judiciary requesting one time cost of 4.68 million for Modernizing the Judiciary IT NETWORK (We recommended this in the BA, but it was not funded)**

**High Priority Access to Justice for these costs to be covered.**

## Other Important Recommendations:

### Moving away from Fines and Fees

There are too many problems with several programs being funded on dwindling fines and fees. As we look to move away from these ways of funding certain parts of state government, we ask that Appropriations look to fund these important priorities in other ways:

Tech Fund Shortfall. Judiciary recommended raising three fees to meet the shortfall. Shortfall is approximately \$800,000.

- We do not want to support the continuation of raising these fines and fees to fund these services.
- We see the same issues with Diversion, Center for Crime Victims Services, and the Network DV programs.

### Consultation to Look at How to Best Serve Victims and How to Fund the Center for Crime Victim Services.

- The structure and funding of this organizations and their grantees need to have a more sustainable funding model.
- The Center for Crime Victim Services needs a whole rethink of how we pay for these services. Money for a consultant for them?

### Remembering our Nonprofit Partners

Both the Network, the CJC's and the Center for Crime Victim Services have rarely gotten cost of living Requesting funding to continue to support cores serves and long-term stability for organizations and agencies that provide victim services. Some have not had increases since 2008!!!!

- They are requesting an additional 3% base (they didn't get one in 23)
- CJC's are also requesting a base increase.

**HIGH Priority Access to Justice**